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No.

IN THE

Supreme Court of the United States

October Term, 1993

JAMES WEBSTER MACE, Petitioner v.

ROY D. BLUNT, et al.

PETITION FOR WRIT OF CERTIORARI

to the U.S. Court of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

JAMES WEBSTER MACE, Pro-Se
P.O. Box 7
Tuscumbia, MO 65082
(314) 369-2158

QUESTION PRESENTED

Is the placement of an invalid holder of an office's signature upon "Federal Bills" of law or document in lien of its legality or binding upon the United States treaties or "Executive Orders"?

LIST OF PARTIES

The parties to the proceedings:

James Webster Mace . . . Appellant
Roy D. Blunt. . . Defendant-Appellee
Bill Clinton, Matthew R. Davis, John P. Burnett, Clinton/Gore '92 Campaign, Inc., Missouri State Democratic Committee

Intervenors-Appellees

TABLE OF CONTENTS

PETITION FOR WRIT OF CERTIORARI 1

PERFORMANCE 1-2

PLEAD 2-5

CONCLUSION 5

APPENDIX A COURT DOCUMENT 2, 6-7

APPENDIX B 2, 8

APPENDIX C 2, 9

APPENDIX D 10-11

TABLE OF AUTHORITIES

Cases:

Aetna Life Insurance Co. v. Haworth,
300 U.S. 227, 240-242, 57, S. Ct. 461, 464 (1937) 1

Baker v. Carr,
369 U.S. 186, 82 S. Ct. 691, 7 L. Ed. 2d 663 1-3

Cherokee Nation v. Georgia,
5 Pet. 1, 16, 17, 8 L. Ed. 25 4

Defenders of Wildlife v. Hodel,
851 F. 2nd 1035, 1938 (8th Cir 1988) 3

Duke Power Co. v. Carolina Entl Study Group Inc.,
438 U.S. 59, 72, 98 S. Ct. 2620, 2630, 57 L. Ed.
2d 595 (1978) 3

Hauenstein v. Lynham,
100 U.S. 483 25 L. Ed. 628 (1890) 3

Marbury v. Madison,
5 U.S. (1 Cranch) 137, 2 L. Ed. 60b at 2d. 2

United States v. Sandoval
231 U.S. 28, 46, 34 S.Ct. 1, 6. 4

Warth v. Seldin,
422 U.S. at 499, 95 S.Ct. at 2205. 3

Constitution: Appendix D

Article I §7 §§3 4
Article III §2 ..... 2, 4
Article VI §2 4
First Amendment 3
Ninth Amendment 4
Tenth Amendment 4
(Fourteenth Amendment Gantry Clauses) ..... App. A, v

Statutes: Appendix D

U.S.C. 28 1254 (1) 1, 5

Rules: Appendix D

Supreme Court 17 (1) Other Jurisdiction v

Opinions Below

District Court Document #30; filed 2-16-93 and entered 2-17-93 (Appendix A). The "Denial" order issued 12-9-93 by the Appeals Court (Appendix B). Letter from the Appeals Court issued 12-29-93 (Appendix C).

Jurisdiction

The mandate of the Court of Appeals was sent back to the District Court 12-16-93. The District Court's 10-9-92 jurisidiciton was premised upon: Federal Question. This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254 (1).

Statement of Case

Action was commenced in October 1992 and given "Standing" October 30, 1992, prior to the last "presidential election" November 3, 1992.

The [Federal Question] posed then, is as now and can only be absolved by the Supreme Court of the United States and by no other jurisdiciton pursuant to Supreme Court Rule 17.1 PART IV. OTHER JURISDICTION.

Whereas this Court's jurisdiction under 28 U.S.C. § 1251 was politically askewed, accosting petitioner's civil rights and in an affectually displayed form, denied then petitioner's constitutional right to (vote) unabridged as the gantry of the 14th Amendment Section II, affords this protection. Pursuant to non-feasance.

IN THE SUPREME COURT OF THE UNITED STATES

JAMES WEBSTER MACE, Petitioner, v.

ROY BLUNT, et al.

PETITION FOR WRIT OF CERTIORARI

Comes now Petitioner, James Webster Mace, before the Supreme Court of the United States of America to seek writ of certiorari, pursuant to U.S. 28, Statute 1254. (1).

PERFORMANCE

"[A] "controversy" in this sense must be one that is appropriate for judicial determination. (quoting Chief Justice Hughes) **Aetna Life Insurance Co. v. Haworth**, 300 U.S. 227, 240-242, 57, S.Ct.. 461, 464 (1937)...and/the judicial function may be appropriately exercised although the adjudication of the rights of the litigants may not require the award of process or the payment of damages"...holding "[I]n the instance of nonjusticiability, consideration of the cause is not wholly and immediately foreclosed; rather, the Court's inquiry necessarily proceeds to the point of deciding whether the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded". (quoting Justice Brennan) **Baker v. Carr**, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed. 2d

663...for **Jurisdiction Of The Subject Matter** clearly falls within the federal judicial power defined in Article III, §2 and held within the power assigned to the jurisdiction of the District Courts, based at 28 U.S.C.A. §1343 (3).

Plead

Petitioner's complaint holds these truths to be uniformally ingrained within the case 92-4484-CV-C-9...affixing "[T]his brings us to the second inquiry; which is: if he has a right, and that right has been violated, do the laws of his country afford him a remedy? The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection." (quoting Justice Marshall) **Marbury v. Madison**, 5 U.S. (1 Cranch) 137, 2 L.Ed. 60b at 2d. Wholly, then, must Court Document No. 30 - **"PLAINTIFF'S MOTION WITH CLAIM FOR SUPPORTIVE RELIEF"** - be given mandamus. Whereas, the denial order issued December 9, 1993 can not be given by the Eighth Circuit Court of Appeals wholly as an advisory **[STARE DECISIS]**, Case No. 93-2312, as was stated December 16, 1993 in petition **"FOR RELEVANCE OR WRIT OF EMANCIPATE"**, which was returned by the Court of Appeals for reasons so stated in letter to Petitioner dated December 29, 1993. But as was pleaded within supra petition, that neither the Plaintiff nor Respondent Bill Clinton are absolved through the scintilla and examination of evidence by a Court order of "Denial". For even in an action for deceit

it is generally held that scienter must be proved, accordingly both Plaintiff and Respondent Bill Clinton are to be held to a unified standard claim (seizin) upholding each other's freehold estate, that being the Constitution of the United States of America. Which i.e., would proceed the court to be able to decide whether the claims asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded (to paraphrase Brennan in speaking for the Court in **Baker v. Carr**). Which by this nexus is molded in general issues of Federalism, as a consignment, by the inheritance factor pro tanto, by birthright as a citizen born under the rule of "Constitutional Law"...holding alluded to by Petitioner in Court Document 36-92CV4484 as so ingrained by i.e. **Hauenstein v. Lynham**, 100 U.S. 483 25 L.Ed. 628 (1890), or as introduced by this petition, being contained in (Appellee Clinton Appendix, page 38) Case No. 93-2312. This locks both into "that concrete adverseness which sharpens the presentation of issues." **Defenders of Wildlife v. Hodel**, 851 F. 2nd 1035, 1938 (8th Cir. 1988) (quoting **Duke Power Co. v. Carolina Entl Study Group Inc.**, 438 U.S. 59, 72, 98 S.Ct. 2620, 2630, 57 L.Ed. 2d 595 (1978)...and [T]his Court has held that / the plaintiff generally must assert his own legal rights and interests, and cannot rest his claims to relief on the legal rights or interest of third parties. / **Warth v. Seldin**, 422 U.S. at 499, 95 S.Ct. at 2205. Wherefore, as a citizen, Petitioner's right to be heard is guaranteed by the First Amendment U.S.C. [1791]...holding...[T]he enumeration in the Constitution, of certain rights, shall not be construed to deny or

disparage others retained by the people. Ninth Amendment [1791]...for...[T]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Tenth Amendment [1791]. The Executive Branch of Government, by the very premise of my civil suit, is closed to Petitioner's grievance, and the Legislative Branch of Government is in dysfunction as a law body without the Executive officer's signature as proscribed by Article I, §7, §§3, U.S.C.. Thereby, and for supra reasons, the Court can not refrain from adjudication of a controversy concerning this dysfunction held up to the Court by the third question put upon same Court within Petitioner's **"Petition For Rehearing With Suggestions In Support Thereof For Rehearing En Banc"**. This, in uniformity, falls under the authority of the Court, Article III, §2, U.S.C. concerning the [Question's] point of the legality of the laws now, or those to be made later, by the dysfunctional Branches of Government, both Executive and Legislative, as to the constitutional question whereby Article VI, §2, U.S.C. effectiveness is harmed. [I]n conclusion / and in final (The Courts can not reject as "No Lawsuit" a bona fide controversy as to whether some action denominated "political" exceeds constitutional authority). In like, **United States v. Sandoval**, 231 U.S. 28, 46, 34 S.Ct. 1, 6, and/or **Cherokee Nation v. Georgia**, 5 Pet. 1, 16, 17, 8 L.Ed. 25, clearly pushes the political question doctrine for the maintenance of governmental order which shows validity for the necessity of the Court, for discriminating inquiry into the precise facts and posture of this particular Petitioner's case,

and for the impossibility of it's resolution by any semantic cataloguing.

CONCLUSION

Wherefore, it is this Petitioner's right to redress the Government Body and, whereas the Eighth Circuit Court of Appeals has failed to issue a valid opinion to confirm [It's] decision for denying Petitioner's **"Petition For Rehearing With Suggestions In Support Thereof For Rehearing En Banc"**, Petitioner must hereby compel the Supreme Court of the United States of America to issue a writ of certiorari for the good order of government to continue, subject to Rule 10 pursuant to 28 U.S.C.A., Statute 1254. (1).

Respectfully submitted,

James Webster Mace, Pro Se

APPENDIX A

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

CENTRAL DIVISION

JAMES WEBSTER MACE,	)	
Plaintiff,	)	Hon. D. Brook Bartlett
v.	)	Case No. 92-4484-CV-C-9
PRESIDENT BILL CLINTON,	)	Filed 2-16-93
Defendant,	)	Entered 2-17-93

PLAINTIFF'S MOTION WITH CLAIM

FOR SUPPORTIVE RELIEF

PLAINTIFF, hereby with STANDING TO SUE, seeks COURT'S move with and by DUE PROCESS (provision) by SELECTIVE INCORPORATION, Plaintiff prays Court to Grant, Plaintiff sanctuary and Plaintiff's claim of rights, as citizen, be now and for the rest time under, the protection and now equal standing of the FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

PLAINTIFF, with Court's permission, hereby invokes, these and all PROVISIONS as deems needed and prays Court to grant at and with its full power, for by and acknowledge Plaintiff's full rights as the protective sovereignty over sameness, as into the EQUAL PROTEC-

TION CLAUSE, whereby both Defendant and Plaintiff are of, in frame equal, in status, as to the respective rights to be settled, by a fair an equitable formula, for relief to be granted, to either or both.

Respectfully submitted,

James Webster Mace

plaintiff.

APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 93-2312WMJC

JAMES WEBSTER MACE,	*	
Plaintiff-Appellant,	*	
vs.	*	Order Denying Petition for
Roy D. Blunt, Secretary of State,	*	Rehearing and Suggestion
Defendant-Appellee,	*	for Rehearing En Banc
Bill Clinton, Matthew R. Davis, John P. Burnett, Clinton/Gore '92 Campaign, Inc., Missouri State Democratic Committee,	*	
Intervenors-Appellees.	*	

The suggestion for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

December 9, 1993

Order Entered at the Direction of the Court:

Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX C

United States Court of Appeals
For the Eighth Circuit
U.S. Court & Custom House
1114 Market Street
Michael E. Gans St. Louis, Missouri 63101 314 - 539-3600
Clerk of Court

December 29, 1993

Mr. James Webster Mace
Box 7
Tuscumbia, MO 65082

Re: No. 93-2312 James Webster Mace v Roy D. Blunt

Dear Mr. Mace:

I am writing to acknowledge receipt of your petition for relevance or writ of emancipate which this office received on December 16, 1993.

As you are aware, this court issued its decision in your case on October 27, 1993 and denied the petition for rehearing on December 9, 1993. The mandate has issued in your case, removing jurisdiction from this court. Your case is closed in our court. For these reasons, I must return your petition to you.

Sincerely,

Dana C. McWay
Chief Deputy

Encl.

APPENDIX D

Art. 1 Sec. §7 §§3 Every Order, Resolution, or Vote, to Which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Article III §2 §§1 The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases of admiralty and maritime Jurisdiction;

Article VI §2 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Amendment I [1791] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly, and to petition the Government for a redress of grievances.

Amendment IX [1791] The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X [1791] The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIV [1868] Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature therefore, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

U.S.C. 28 §1254. Courts of appeals; certiorari; appeal; certified questions
Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

Supreme Court Rule 17 Procedure in an Original Action
.1. This Rule applies only to an action within the Court's original jurisdiction under Article III of the Constitution of the United States.

Supreme Court, U.S.
FILED

9317 50 JAN 31 1994

OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

October Term, 1993

JAMES WEBSTER MACE, Petitioner v.

ROY D. BLUNT, et al.

PETITION FOR WRIT OF CERTIORARI
to the U.S. Court of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

SUPPLEMENTAL APPENDIX

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TABLE OF CONTENTS

SUPPLEMENTAL APPENDIX 1-8

DECISION OF EIGHTH APPEALS COURT 1

DECISION OF DISTRICT COURT 2-8

Required Certainty

Footnote 1 page 3 **[ad litem]** as per argument amending possible appeal and error **[in re appurtenances]**before appellate jurisdiction, **[in gravamen]** as per aclnowledgement assignable via Court Document 36 pertinent to the anticipatory breach via **[illusory]** affidavit granted assignee Bill Clinton within an aleatory contract **[caveat emptor]** clause. Thereby creating **[chose in action**] causa condition subsequent to collateral attack to condition precedent pusuant to impugnment placed upon **[Proceedings]** by virture of Court Document 30, Appendix A in Petition For Writ of Certiorari

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 93-2312WM

JAMES WEBSTER MACE,	*	
Plaintiff-Appellant,	*	
v.	*	Appeals from the United States
Roy D. Blunt, Secretary of State,	*	District Court for the Western
Defendant-Appellee,	*	District of Missouri.
Bill Clinton; Matthew R. Davis; John P. Burnett; Clinton/Gore '92 Campaign, Inc.; Missouri State Democratic Committee,	*	[UNPUBLISHED]
Intervenors-Appellees.	*	

Submitted: October 21, 1993

Filed: October 27, 1993

Before FAGG, BOWMAN, and LOKEN, Circuit Judges.

PER CURIAM.

The district court's decision to dismiss James Webster Mace's complaint is clearly correct. We affirm for the reasons stated in the district court's order. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

UNITED STATES DISTRICT COURT

Western District of Missouri

JAMES WEBSTER v. ROY BLUNT, ET AL.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 92-4484-CV-C-9

___ ***Jury Verdict***. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

_X_ ***Decision by Court***. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

___ that defendant Blunt is dismissed from this case without prejudice, the parties to bear their own costs; (order of 3/2/93)

___ that plaintiff's claim for injunctive relief is dismissed as moot; plaintiff's claim for declaratory relief is dismissed for lack of standing; and case is dismissed; (order of 4/19/93)

ENTERED: APRIL 21, 1993

April 21, 1993
Date

Robert F. Connor, Clerk

Signed (By) Jackie Price, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JAMES WEBSTER MACE.	)	
Plaintiff,	)	
	)	
v.	)	No. 92-4484-CV-C-9
ROY BLUNT, et al.,	)	
	)	
Defendants.	)	

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

On November 6, 1992, plaintiff James Webster Mace filed his Amended Complaint. Giving the Amended Complaint the broadest possible construction, and incorporating into the Amended Complaint plaintiff's "Answer to Defendant-Intervenors' Motion to Make More Definite and Certain," it appears that plaintiff is seeking two types of relief. First, plaintiff appears to seek a declaratory judgment that Section 3 of the Fourteenth Amendment to the United States Constitution prohibits defendant Bill Clinton from holding the office of President of the United States. Second, plaintiff asks this court to issue an injunction "ordering that the inauguration of President Elect Bill Clinton be held in 'abeyance' til such time Congress can resolve its duty accordingly [sic] to the constitution."[1]

[1] On April 12, 1993, while this order was in its final stages of drafting, plaintiff filed a "Memorandum in Support of Standing to Sue and Plaintiff's Claim for equitable Relief." By this "Memorandum," plaintiff apparently intended to amend his Amended Complaint to assert new theories of equitable relief. Nothing contained in plaintiff's

memorandum changes the result of this order.

ORIGINAL Document #37

Defendant seeks dismissal of plaintiff's claims arguing that plaintiff lacks standing to sue and that plaintiff's claims are moot.

I. Plaintiff's Claim for Injunctive Relief Will be Dismissed as Moot

Plaintiff seeks to enjoin defendant's inauguration. However, defendants inauguration took place on January 20, 1993, making it impossible to grant the injunctive relief sought by plaintiff. Accordingly, plaintiff's claim for injunctive relief will be dismissed as moot.

II. Plaintiff Lacks Standing to Bring a Claim for Declaratory Relief

Defendant asserts that plaintiff lacks standing to sue because he cannot identify any personal injury, because his claims amount to a generalized grievance shared by all citizens of the United States and because this court can no longer grant the relief plaintifff is requesting. Plaintiff argues that he has satisfied the standing requirements because his vote has been "debased" and "impaired."

The Eighth Circuit Court of Appeals discussed the constitutional aspect of standing in National Wildlife Federation v. Agricultural Stabilization and Conservation Serv., 901 F.2d 673,675-76 (8th Cir. 1990):

> The standing requirement arises from the Constitution's limitation of the power of federal courts to deciding actual 'cases' and 'controversies.' U.S. Const. Art. III § 2. It focuses on whether the party seeking to bring a complaint before a federal court ' is a proper party to request an adjudication of a particular issue.' Flast v. Cohen, 392 U.S. 83, 100, 88 S. Ct. 1942, 1952-53, 20 L. Ed. 2d 947 (1968). "To be a proper litigant, the party must have 'alleged

> such a person's stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues.' " Defenders of Wildlife v. Hodel, 851 F.2d 1035, 1038 (8th Cir. 1988) (quoting Duke Power Co. v. Carolina Envtl. Study Group, Inc., 438 U.S. 59, 72, 98 S. Ct. 2620, 2630, 57 L.Ed. 2d 595 (1978)).
>
> The Supreme Court has specified three requirements that must be met to satisfy this constitutional requirement. The party must show he 'personally has suffered some actual or threatened injury as a reuslt of the putatively illegal conduct of the defendant.' Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 472, 102 S. Ct. 752, 758-59, 70 L.Ed. 2d 700 (1982). The injury must be 'fairly' traceable 'to the challenged action,' and it must be likely that the injury will be 'redressed by a favorable decision,' Id.

In addition to the constitutional requirements for standing, courts have developed a set of prudential principles which bear on the question of standing. Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 102 S.Ct. 752 (1982). Those prudential principles were articulated in Valley Forge:

> [T]his Court has held that 'the plaintiff generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.' Warth v. Seldin, 422 U.S. at 499, 95 S. Ct. at 2205. In addition, even when the plaintiff has alleged redressable injury sufficient to meet the requirements of Art. III, the Court has refrained from adjudicating 'abstract questions off wide public

> significance' which amount to 'generalized grievances,' pervasively shared and most appropriately addressed in the represenatative branches. Id., at 499-500, 95 S. Ct. at 2205-2206. Finally, the Court has required that the plaintiff's complaint fall within 'the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.' Association of Data Processing Service Orgs. v. Camp, 397 U.S. 150, 153, 90 S.Ct. 827, 830, 25 L.Ed.2d 184 (1970).

Id. at 474-75, 102 S. Ct. at 760.

As set out more fully below, the injury asserted by plaintiff cannot be redressed by a favorable decision of this court. Accordingly, plaintiff has failed to satisfy the third constitutional requirement for standing and his case must be dismissed.

Plaintiff's alleged injury is to his voting rights. Before the most recent presidential election, plaintiff had a valid argument that if he voted for defendant and it is determined after the election that defendant is barred from holding office by the Fourteenth Amendment, then plaintiff's vote would mean less than the votes of persons who voted for a candidate other than defendant. Plaintiff could then use the rationale of Baker v. Carr, 369 U.S. 186, 82 S. Ct. 691 (1962) to satisfy the standing requirements. The threatened impairment of plaintiff's vote would be prevented if, before the election, a court ruled that defendant was barred from holding office. Accordingly, the injury asserted by plaintiff would be redressed by a favorable decision.

However, plaintiff no longer faces a situation where his vote is potentially impaired or ineffective when compared to other persons'

votes. Instead, plaintiff's grievance is that his vote has been impaired because an invalid candidate appeared on his ballot for President of the United States. Accepting the allegations of plaintiff's Complaint as true, see National Wildlife Federation v. Agricultural Stabilization & Conservation Serv., 901 F.2d 673, 677 (8th Cir. 1990), a favorable decision of this court would not redress plaintiff's injury. A declaration that defendant is barred from holding office would not lessen the impact on plaintiff's vote because his vote has already been cast. The general election of 1992 has been held and plaintiff has voted. No declaration from this court will alter plaintiff's injury. Accordingly, plaintiff cannot establish that he has standing to sue and this case must be dismissed.

III. Conclusion

For the reasons stated, it is ORDERED that:

1) plaintiff's claim for injunctive relief is dismissed as moot;

2) plaintiff's claim for declaratory relief is dismissed for lack of standing; and

3) this case is dismissed.

Signed By D. BROOK BARTLETT

UNITED STATES DISTRICT JUDGE

Kansas City, Missouri

April 19, 1993.